

NOV 26 2001

Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A36-15533

Date Received: 8/30/1988

Receipt No: X777777

Received By: C045833

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: DAN H MC FADDAN 208-837-6649
Address: 17966 N HWY 30
HAGERMAN ID 83332

AND/OR

Name: IRMA R MC FADDAN 208-837-6649
Address: 17966 N HWY 30
HAGERMAN ID 83332

2. Date of Priority: APR 1, 1958

3. Source: FLORENCE LIVESTOCK SPRING Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	13E	12	SE	SE	NW		GOODING

5. Description of diverting works:

HAND DUG TUNNEL, CONCRETE HEAD WORKS, 20" PIPE, 16" PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.060		

7. Total Quantity Appropriated is:

0.060 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	13E	11	SE	SE		COMMER	

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

COMMERCIAL USE WAS ORIGINALLY CLAIMED UNDER 36-00049.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Don McFarland Date: 3/30/99

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 30th day
of March 19 99 Steve Collins
Notary Public

Seal

Residing at Twin Falls ID
My Commission Expires 12/7/2000

1998 JUN 18 AM 10:53
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcase No. 36-15533

**ORDER GRANTING MOTION
TO FILE LATE NOTICE OF CLAIM**

On March 31, 1998, a *Motion to File Late Notice of Claim* was filed by
Dan McFadden. All procedural requirements under *Administrative
Order 1* were complied with in filing this *Late Notice of Claim*. No valid objections were made
to this *Late Notice of Claim*. The *Motion* is GRANTED.

IT IS SO ORDERED.

DATED

June 18, 1999.

B Wood
BARRY WOOD
Administrative District Judge
Interim Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that true and correct copies of the **ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM** were mailed on June 18, 1999, with sufficient, first-class postage to the following:

IDWR Document Depository
PO Box 83720
Boise, ID 83720

NOTICE OF CLAIM FORWARDED

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Dept of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Dan & Irma McFaddan
17966 N Hwy 30
Hagerman, ID 83332


Deputy Clerk



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

June 29, 1999

KARL J. DREHER
DIRECTOR

DAN AND IRMA MC FADDAN
17966 N HWY 30
HAGERMAN ID 83332

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim #A36-15532 & A36-15533

Dear Claimants:

Your Notices of Claim to a Water Right for your property in Gooding County were received from the SRBA Court recently. I have enclosed your receipt #C045833 for the fees paid for your records.

Your Notices of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/327-7932 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donald V. Shaff'.

Donald V. Shaff
Manager, Adjudication Section

DVS:ss:region

Enclosures:

Receipt #C045833

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case 39576

Subcase No.: 36-15533

STANDARD FORM 5

STIPULATED ELEMENTS
OF A WATER RIGHT

RECEIVED
FEB 28 2002
Department of Water Resources
Southern Region

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described in the attached Recommendation. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

C. Nicholas Crema 2/21/02
C. Nicholas Crema Date
Attorney for Idaho State Building Authority

John M. Marshall 02/19/02
John M. Marshall Date
Givens Pursley LLP
Attorney for Cranney Bros.

Steve Collins 2/22/02
IDWR Concurrence Date

Deborah E. Nelson 2/19/02
Deborah E. Nelson Date
Beeman & Associates P.C.
Attorney for North Snake Ground Water
District

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: OCT. 13, 1999
PAGE: A-1

RIGHTS FROM: SOURCE: FLORENCE LIVESTOCK SPRING TRIBUTARY: BILLINGSLEY CREEK

RIGHT NUMBER: 36-15533

NAME AND ADDRESS: IDAHO STATE BUILDING AUTHORITY
PO BOX 2802
BOISE ID 83701
(208) 345-6057

SOURCE: FLORENCE LIVESTOCK SPRING TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 0.06 CFS

PRIORITY DATE: 04/01/1958

POINT OF DIVERSION: T07S R13E S12 SESENW Within GOODING County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	COMMERCIAL	01-01 12-31	0.06 CFS

PLACE OF USE: COMMERCIAL Within GOODING County

T07S R13E S11 SESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

DIVERSION OF THIS RIGHT WITH THE DIVERSION OF THE RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 6.58 CFS DURING THE IRRIGATION SEASON. COMBINED RIGHT
NOS.: 36-00049 & 36-15532.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

Handwritten notes:
Jm
ck
DEN
see

CERTIFICATE OF SERVICE

I certify that on February 25, 2002, I caused to be served true and correct copies of the Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

Office of the Attorney General
C. Nicholas Krema
P.O. Box 83720, Room 207
Boise, ID 83720-0010

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Deborah E. Nelson
Beeman & Associates
409 W. Jefferson St.
Boise, ID 83702

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

John M. Marshall
Givens Pursley
P.O. Box 2720
Boise, ID 83702

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile



COPY

RECEIVED

NOV 16 2001

Department of Water Resources

RECEIVED

NOV 21 2001

Department of Water Resources
Southern Region

2001 NOV 13 PM 1:26

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Water Rights: 36-48A, 36-49,
36-2169, 36-15532, 36-15533 &
36-15538

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

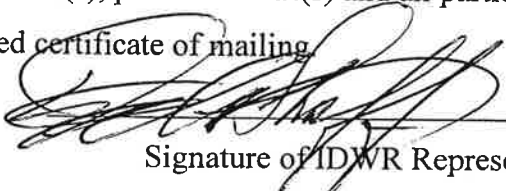
IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party
- ☐ IC § 42-222 transfer
- | | |
|---|--|
| ☐ Point of diversion | ☐ Place of use |
| ☐ Period of use | ☐ Nature of use |
| ☐ Split of water right | ☐ Change in ownership |
| ☐ Other | |

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: Nov 8, 2001


Signature of IDWR Representative

2001 NOV 13 PM 1:27
11/07/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

INSTRUMENT - SRBA
BOISE CO., IDAHO
FILED

RIGHT NUMBER: 36-15533

NAME AND ADDRESS: IDAHO STATE BUILDING AUTHORITY
PO BOX 2802
BOISE ID 83701

SOURCE: FLORENCE LIVESTOCK SPRING

TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 0.060 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 8.18 CFS. COMBINED RIGHT NOS.: 36-00048A,
36-00049, 36-15532 & 36-15538.^^^

PRIORITY DATE: 04/01/1958

POINT OF
DIVERSION:

T07S R13E S12 SESENW Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
COMMERCIAL

PERIOD OF USE
1/01 12/31

QUANTITY
0.060 CFS

PLACE OF USE: COMMERCIAL Within GOODING County

T07S R13E S11 SESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY
FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF
THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A
POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION
42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

COMMERCIAL USE WAS ORIGINALLY CLAIMED UNDER 36-00049.^^^
THE FOLLOWING WATER RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE. RIGHTS 36-00049, 36-02169, 36-15532, 36-15533
AND 36-15538.^^^



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

COPY

RECEIVED

JUL - 5 2002

Department of Water Resources

April 3, 2002

Gooding County Recorder
P.O. Box 417
Gooding, ID 83330

Re: Recording Correction Warranty Deeds

Dear Sir or Madam:

At the request of the State of Idaho, Office of Attorney General, please record the enclosed Correction Warranty Deeds in the real property records of Gooding County. Upon recording, please return the recorded documents to me. I have enclosed a self-addressed, stamped envelope for this purpose.

If you have any questions, please contact me at the telephone number set forth above.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kent E. Nelson", with a long horizontal flourish extending to the right.

KENT E. NELSON
Deputy Attorney General
Contracts & Administrative Law Division

KEN/js
Enclosures
c/enclosures: Nick Crema

CORRECTION WARRANTY DEED

THIS CORRECTION WARRANTY DEED AND INDENTURE is made by and between the DAN & IRMA MCFADDAN FAMILY LIMITED PARTNERSHIP, an Idaho limited partnership whose address is Rt. 1, Box 406, 17966 Highway 30 N., Hagerman, Idaho, hereinafter referred to as "Grantor," and the IDAHO STATE BUILDING AUTHORITY, P.O. Box 2802, Boise, Idaho 83701, hereinafter referred to as "Grantee", to correct an error contained in that certain WARRANTY DEED between the parties hereto which was recorded in Gooding County, Idaho on September 28, 2001 as instrument no. 192262 records of Gooding County Idaho, and thereafter re-recorded in Gooding County, Idaho, on November 16, 2001 as instrument no. 192895 records of Gooding County, Idaho, which deed, erroneously included water right 36-2169-Florence Livestock Spring in Exhibit "B" thereto as part of the water rights conveyed to Grantor. This CORRECTION WARRANTY DEED removes reference to said water right;

WITNESSETH, that the Grantor does hereby convey and confirm in fee unto the said Grantee and its successors and assigns forever the premises situated in Gooding County, Idaho and more particularly described on Exhibit "A" annexed hereto and by this reference incorporated herein, together with all water rights, ditch rights, rights of way, improvements, fixtures, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining thereto, including but not limited to, the water rights identified on Exhibit "B" annexed hereto and by this reference incorporated herein.

TO HAVE AND TO HOLD the above-described premises and parcel of land and granted real property unto Grantor and its successors and assigns forever, subject only to the following:

1. Power line easement granted to Idaho Power Company, a corporation recorded June 14, 1934 in Book 3 of Miscellaneous, Page 546.
2. Water rights, ditch, flumes, and pipeline as disclosed in Warranty Deed recorded February 15, 1934 in Book 23 Deeds page 604, records of Gooding County, Idaho.
3. Power line easement granted to Idaho Power Company, a corporation recorded November 5, 1942 in Book 5 of Miscellaneous, Page 210 as Instrument No. 85341.
4. Easement for constructing and maintaining head and diversion works granted to Charles C. Cary recorded January 10, 1953 in Book 7 of Miscellaneous, Page 178 as Instrument No. 120155.
5. Easement for conveying water through a pipeline and maintenance thereof granted to K. Joo and Akio Joo & Ralph S. Bacon and Wanda Maxine Bacon recorded May 20, 1959 in Book 8 of Miscellaneous, Page 100 as Instrument No. 137751.
6. Power line easement granted to Idaho Power Company, a corporation recorded May 31, 1960 in Book 8 of Miscellaneous, Page 174 as Instrument No. 140977.

7. Easement in, to, upon and over all that certain road now in existence and which runs generally from the County road Easterly through the NW1/4NE1/4 to the NE1/4NE1/4 of Section 13, Township 7 South, Range 13, E.B.M. for ingress and egress to said NE1/4NE1/4, given to Bessie B. Abbott, a widow, and Ruth A. Letchworth, a widow, parties of the first part, to Virgil U. Norwood, party of the second part, recorded October 25, 1960 in Book 8 Page 197 as Instrument No. 141995, records of Gooding County, Idaho.
8. Covenants, conditions, restrictions and easements contained in deed to the State of Idaho recorded December 12, 1962 as Instrument No. 6402.
9. Easement for constructing and maintaining small ditches and irrigation facilities and the right of ingress and egress granted to the State of Idaho, recorded December 12, 1962 as Instrument No. 6403.
10. Agreement upon the terms, conditions and provisions contained therein for the purpose of upkeep and maintenance of an irrigation pipeline and sharing the water therefrom dated December 4, 1961 by and between McCarter Cattle Co., Inc., a corporation and Clyde McFarland recorded April 18, 1972 as Instrument No. 40070.
11. Power line easement granted to Idaho Power Company, a corporation recorded February 4, 1974 as Instrument No. 48666.
12. Power line easement granted to Idaho Power Company, a corporation recorded February 7, 1974 as Instrument No. 48668.
13. Power line easement granted to Idaho Power Company, a corporation recorded December 24, 1975 as Instrument No. 57498.

and that Grantor shall warrant and defend the premises from all other lawful claims whatsoever.

The Grantor further warrants to the Grantee that Grantor is lawfully seized of the above described real property in fee simple, that the same is free and clear of any and all encumbrances of every kind and description, except as herein specified, and that the Grantor has lawful right to convey the said real property.

[SIGNATURE PAGE FOLLOWS]

DATED This 31 day of January 2002.

DAN & IRMA MCFADDAN FAMILY LIMITED PARTNERSHIP:

By: Daniel H. McFaddan
Daniel H. McFaddan, General Partner

By: Irma R. McFaddan
Irma R. McFaddan, General Partner

By: Daniel H. McFaddan
Daniel H. McFaddan, Limited Partner

By: Irma R. McFaddan
Irma R. McFaddan, Limited Partner

By: Mark D. McFaddan
Mark D. McFaddan, Limited Partner

By: Linda Heinemann
Linda Heinemann, Limited Partner

By: Matthew D. McFaddan
Matthew D. McFaddan, Limited Partner

IDAHO STATE BUILDING AUTHORITY:

By: Patricia J. Story
Patricia J. Story, Chairman

By: Wayne V. Meuleman
Wayne V. Meuleman, Secretary

STATE OF IDAHO)
) ss.
County of GOODING

On this date before me, the undersigned notary public for such state, personally appeared IRMA R. MCFADDAN, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she is both a General Partner and a Limited Partner of the Dan & Irma McFaddan Family Limited Partnership and that she executed the instrument on behalf of said partnership and that the Dan & Irma McFaddan Family Limited Partnership executed the same.

WITNESS my hand and seal on 01-31-, 2002.



Barbara K. Jensen
NOTARY PUBLIC
Residing at: Legman, Idaho
Commission expires: 08/04/2004

STATE OF IDAHO)
) ss.
County of GOODING

On this date before me, the undersigned notary public for such state, personally appeared DANIEL H. MCFADDAN, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he is both a General Partner and a Limited Partner of the Dan & Irma McFaddan Family Limited Partnership and that he executed the instrument on behalf of said partnership and that the Dan & Irma McFaddan Family Limited Partnership executed the same.

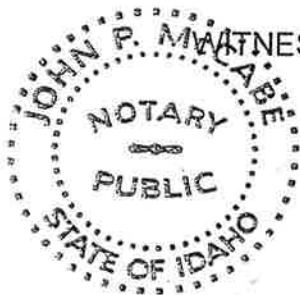
WITNESS my hand and seal on 01/31, 2002.



Barbara K. Jensen
NOTARY PUBLIC
Residing at: Legman, Idaho
Commission expires: 08/04/2004

STATE OF IDAHO)
) ss.
County of Latah)

On this date before me, the undersigned notary public for such state, personally appeared **MARK D. MCFADDAN**, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he is a Limited Partner of the Dan & Irma McFaddan Family Limited Partnership and that he executed the instrument on behalf of said partnership and that the Dan & Irma McFaddan Family Limited Partnership executed the same.



WITNESS my hand and seal on February 21, 2002.

John P. McCabe
NOTARY PUBLIC

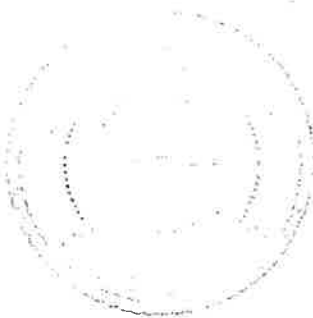
Residing at: Moscow, Idaho

Commission expires: 5-26-06

STATE OF IDAHO)
) ss.
County of Gooding)

On this date before me, the undersigned notary public for such state, personally appeared **MATTHEW D. MCFADDAN**, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he is a Limited Partner of the Dan & Irma McFaddan Family Limited Partnership and that he executed the instrument on behalf of said partnership and that the Dan & Irma McFaddan Family Limited Partnership executed the same.

WITNESS my hand and seal on 01/31, 2002.



Doranne K. Jensen
NOTARY PUBLIC

Residing at: Hailey, Idaho

Commission expires: 08/04/2004

STATE OF IDAHO)
) ss.
County of BOODING)

On this date before me, the undersigned notary public for such state, personally appeared **LINDA HEINEMANN**, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she is a Limited Partner of the Dan & Irma McFaddan Family Limited Partnership and that she executed the instrument on behalf of said partnership and that the Dan & Irma McFaddan Family Limited Partnership executed the same.

WITNESS my hand and seal on 01/31, 2002.



Daphne K. Jensen
NOTARY PUBLIC
Residing at: *Lagerman Idaho*
Commission expires: *08/04/2004*

STATE OF IDAHO)
) ss.
County of Ada)

On this date before me, the undersigned, a Notary Public in and for said state, personally appeared **PATRICIA J. STORY** and **WAYNE V. MEULEMAN**, known or identified to me to be the Chairman and Secretary, respectively, of the Idaho State Building Authority, each of whom acknowledged to me that they executed the within Lease on behalf of the Idaho State Building Authority in their representative capacity.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

WITNESS my hand and seal on 3/29, 2002.

Kathy Hall
NOTARY PUBLIC for Idaho
Residing at *Boise*
My Commission Expires: *10/5/02*



EXHIBIT A

Legal Description

See Attached.

Exhibit A

A Parcel of Land located in the East ¼ of Section 11, Southwest ¼ of Section 12 and North ¼ of Section 13 Township 7 South, Range 13 East, Boise Meridian, Gooding County, Idaho.

Commencing at the Southwest corner of said Section 12 thence North 89°14'29" East, 1520.23 feet along the South boundary of Section 12 to the REAL POINT OF BEGINNING.

Thence South 46°15'35" East, 3.91 feet

Thence South 46°15'41" East, 576.76 feet

Thence South 84°16'00" East, 461.26 feet

Thence North 74°25'01" East, 243.59 feet

Thence South 37°32'59" East, 232.96 feet

Thence South 06°07'30" East, 527.36 feet

Thence South 56°43'55" West, 73.70 feet along the North Right of Way of US Highway 30,

Thence South 43°25'08" West, 116.32 feet along the North Right of Way of US Highway 30,

Thence South 35°57'53" West, 70.72 along the North Right of Way of US Highway 30,

Thence South 00°11'03" East, 22.74 feet

Thence South 88°56'33" West, 2620.98 feet to the NW 1/16 corner of Section 13,

Thence North 00°54'24" West, 1317.16 feet along the West boundary of Section 13,

Thence South 89°47'37" West 1268.48 feet along the South boundary of Section 11,

Thence North 01°00'29" West, 1774.21 feet along the East Right of Way Line of US Highway 30,

Thence along a Curve C1

Δ 01°03'55"

Length 799.84

Radius 43021.85

Tangent 399.93

Chord 799.83

Chord Bearing North 01°32'26" West

Thence North 29°11'20" East, 67.77 feet

Thence North 22°43'35" East, 197.14 feet

Thence North 01°10'04" East, 157.89 feet

Thence North 22°00'10" East, 43.25 feet

Thence North 45°37'40" East, 52.80 feet

Thence North 84°27'35" East, 134.79 feet

Thence North 84°27'35" East, 111.05 feet

Thence North 00°26'59" West, 171.02 feet to the South edge of a Road Right of Way.

Thence North 00°26'59" West, 50.00 feet

Thence North 89°33'00" East, 124.83 feet

Thence South 29°23'00" East, 57.13 feet to a point on the South edge of a Road Right of Way.

Thence South 29°22'58" East, 386.58 feet

Thence South 22°52'56" East, 799.14 feet

Thence South 26°10'03" East, 519.95 feet

Thence South 23°24'52" East, 859.77 feet

Thence South 47°58'30" East, 482.48 feet

Thence North $84^{\circ}52'50''$ East, 233.99 feet
Thence South $46^{\circ}15'35''$ East, 853.00 feet to the REAL POINT OF BEGINNING.

LESS AND EXCEPTING THE FOLLOWING DESCRIBED PARCEL:

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho

Section 11: That part of the North one-half of the Northeast Quarter of the Southeast Quarter, lying West of the following described line:

BEGINNING at a point on the North boundary line of the South one-half of the Southeast Quarter of the Northeast Quarter from which point the Northeast corner of said South one-half of the Southeast Quarter of the Northeast Quarter bears North $89^{\circ}33'$ East 734.0 feet;

Thence South $28^{\circ}25'$ East 444.0 feet;

Thence South $21^{\circ}55'$ East 800.00 feet;

Thence South $25^{\circ}12'$ East 520.00 feet to a point on the Section line common to Sections 11 and 12.

EXHIBIT B

McFaddan Water Rights Description

Record No.	Source	Priority Date	Basis	Use
36-15532	Florence Livestock Spring	06/01/1969	Beneficial Use	Fish Propagation
36-15533	Florence Livestock Spring	04/01/1958	Beneficial Use	Commercial
36-15538	Spring	04/01/1964	Beneficial Use	Irrigation
36-00049	Florence Livestock Spring	04/01/1900	Decreed	Commercial, Domestic, Fish Propagation, Irrigation, Stockwater
36-00048A	Billingsley Creek	11/04/1885	Decreed	Irrigation

RECEIVED

OCT 2nd 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water RightNo(s).	Adjudication Claim No(s).	Split
✓ 36-15532	_____	_____	✓ 36-2169	_____	_____
✓ 36-15533	_____	_____	_____	_____	_____
✓ 36-15538	_____	_____	_____	_____	_____
✓ 36-00049	_____	_____	_____	_____	_____
✓ 36-00048A	_____	_____	_____	_____	_____

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Dan and Irma McFaddan
17966 Hwy 30, Hagerman, Idaho 83332
4. New Owner/Claimant(s) Idaho State Building Authority
 Name Connector (Check One): [] and, [] or, [] and/or
 New Mailing Address P.O. Box 2802
 City, State and ZIP Code Boise, Idaho 83701
 New Telephone Number (208) 345-6057
5. Date you acquired the property September 28, 2001

OK to change staff 10/30/01
 records changed 11-07-01, ss
 & NCAP done.

6.

If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7.

Signature of New Owner(s) or Claimant(s)
(include title of applicable)

Idaho State Building Authority
Joe J. Mculeman, Executive Director

For Snake River Basin Adjudication Claims, please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by J. Mason Date 10-29-01 Fee _____
 Receipted by J. Mason Date 10-29-01 Receipt No. 1057428
 Processed by _____ AJ Date _____ WR _____ Date _____

36-48A, -49-15533, -15533, -15538
-2169



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

RECEIVED

OCT 29 2001

Department of Water Resources

October 26, 2001

Vicki Kelly
Department of Water Resources
STATEHOUSE MAIL

Re: Billingsley Creek - Notices of Change of Water Right Ownership

Dear Vicki:

Enclosed are two Notices of Change in Water Right Ownership, one for the AquaLife property and one for the McFadden property. Also enclosed is a check from Meuleman & Miller in the amount of \$125.00 for the filing fee required on the AquaLife property.

Sincerely,

Julie K. Weaver
Deputy Attorney General
Contracts & Administrative Law Division

JKW/js
Enclosures

36-2338
✓ - 2414
✓ - 4011
✓ - 2734
late clm #36-15476

} AquaLife

36-48A
✓ - 49
✓ - 2169
✓ - 15532
✓ - 15533
✓ - 15538

} McFadden

G010186 D

WARRANTY DEED

THIS INDENTURE made by and between DANIEL H. MCFADDAN AND IRMA R. MCFADDAN, husband and wife, whose address is Rt. 1, Box 406, 17966 Highway 30 N., Hagerman, Idaho, collectively hereinafter referred to as "Grantor," and the IDAHO STATE BUILDING AUTHORITY, P.O. Box 2802, Boise, Idaho 83701, hereinafter referred to as "Grantee";

WITNESSETH, that the Grantor does hereby convey and confirm in fee unto the said Grantee and its successors and assigns forever the premises situated in Gooding County, Idaho and more particularly described on Exhibit "A" annexed hereto and by this reference incorporated herein, together with all water rights, ditch rights, rights of way, improvements, fixtures, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining thereto, including but not limited to, the water rights identified on Exhibit "B" annexed hereto and by this reference incorporated herein.

TO HAVE AND TO HOLD the above-described premises and parcel of land and granted real property unto Grantor and its successors and assigns forever, subject only to the following:

1. Power line easement granted to Idaho Power Company, a corporation recorded June 14, 1934 in Book 3 of Miscellaneous, Page 546.
2. Water rights, ditch, flumes, and pipeline as disclosed in Warranty Deed recorded February 15, 1934 in Book 23 Deeds page 604, records of Gooding County, Idaho.
3. Power line easement granted to Idaho Power Company, a corporation recorded November 5, 1942 in Book 5 of Miscellaneous, Page 210 as Instrument No. 85341.
4. Easement for constructing and maintaining head and diversion works granted to Charles C. Cary recorded January 10, 1953 in Book 7 of Miscellaneous, Page 178 as Instrument No. 120155.
5. Easement for conveying water through a pipeline and maintenance thereof granted to K. Joo and Akio Joo & Ralph S. Bacon and Wanda Maxine Bacon recorded May 20, 1959 in Book 8 of Miscellaneous, Page 100 as Instrument No. 137751.
6. Power line easement granted to Idaho Power Company, a corporation recorded May 31, 1960 in Book 8 of Miscellaneous, Page 174 as Instrument No. 140977.
7. Easement in, to, upon and over all that certain road now in existence and which runs generally from the County road Easterly through the NW1/4NE1/4 to the NE1/4NE1/4 of Section 13, Township 7 South, Range 13, E.B.M. for ingress and egress to said NE1/4NE1/4, given to Bessie B. Abbott, a widow, and Ruth A. Letchworth, a widow, parties of the first

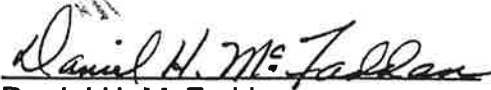
part, to Virgil U. Norwood, party of the second part, recorded October 25, 1960 in Book 8 Page 197 as Instrument No. 141995, records of Gooding County, Idaho.

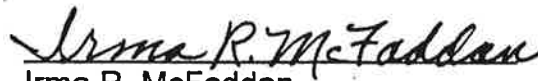
8. Covenants, conditions, restrictions and easements contained in deed to the State of Idaho recorded December 12, 1962 as Instrument No. 6402.
9. Easement for constructing and maintaining small ditches and irrigation facilities and the right of ingress and egress granted to the State of Idaho, recorded December 12, 1962 as Instrument No. 6403.
10. Agreement upon the terms, conditions and provisions contained therein for the purpose of upkeep and maintenance of an irrigation pipeline and sharing the water therefrom dated December 4, 1961 by and between McCarter Cattle Co., Inc., a corporation and Clyde McFarland recorded April 18, 1972 as Instrument No. 40070.
11. Power line easement granted to Idaho Power Company, a corporation recorded February 4, 1974 as Instrument No. 48666.
12. Power line easement granted to Idaho Power Company, a corporation recorded February 7, 1974 as Instrument No. 48668.
13. Power line easement granted to Idaho Power Company, a corporation recorded December 24, 1975 as Instrument No. 57498.

and that Grantor shall warrant and defend the premises from all other lawful claims whatsoever.

The Grantor further warrants to the Grantee that Grantor is lawfully seized of the above described real property in fee simple, that the same is free and clear of any and all encumbrances of every kind and description, except as herein specified, and that the Grantor has lawful right to convey the said real property.

DATED This 28th day of September 2001.


Daniel H. McFaddan

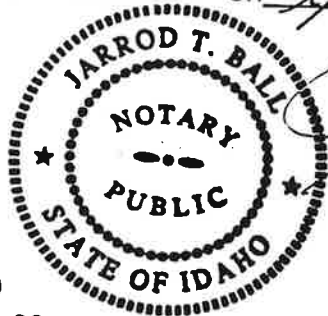

Irma R. McFaddan

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-2169

STATE OF IDAHO)
) ss.
County of Twin Falls

On this date before me, the undersigned notary public for such state personally appeared IRMA R. MCFADDAN, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

WITNESS my hand and seal on Sept. 28, 2001.



[Signature]
NOTARY PUBLIC

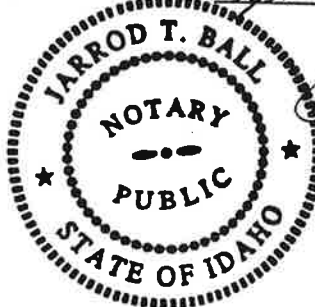
Residing at: Twin Falls

Commission expires: 7-25-2002

STATE OF IDAHO)
) ss.
County of Twin Falls

On this date before me, the undersigned notary public for such state personally appeared DANIEL H. MCFADDAN, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

WITNESS my hand and seal on Sept. 28th, 2001.



[Signature]
NOTARY PUBLIC

Residing at: Twin Falls

Commission expires: 7-25-2002

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-2169

EXHIBIT A

Legal Description

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho

Section 11: That part of the North one-half of the Northeast Quarter of the Southeast Quarter, lying West of the following described line:

BEGINNING at a point on the North boundary line of the South one-half of the Southeast Quarter of the Northeast Quarter from which point the Northeast corner of said South one-half of the Southeast Quarter of the Northeast Quarter bears North 89°33' East 734.0 feet;

Thence South 28°25' East 444.0 feet;

Thence South 21°55' East 800.00 feet;

Thence South 25°12' East 520.00 feet to a point on the Section line common to Section 11 and 12.

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-2169

EXHIBIT B

McFaddan Water Rights Description

Record No.	Source	Priority Date	Basis	Use
36-15532	Florence Livestock Spring	06/01/1969	Beneficial Use	Fish Propagation
36-15533	Florence Livestock Spring	04/01/1958	Beneficial Use	Commercial
36-15538	Spring	04/01/1964	Beneficial Use	Irrigation
36-00049	Florence Livestock Spring	04/01/1900	Decreed	Commercial, Domestic, Fish Propagation, Irrigation, Stockwater
36-00048A	Billingsley Creek	11/04/1885	Decreed	Irrigation
36-2169	Florence Livestock Spring	04/10/1952	License	Domestic, Irrigation

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-2169

Instrument # 192262

GOODING, GOODING, IDAHO

2001-09-28

04:19:43 No. of Pages: 10

Recorded for : GOODING TITLE

HELEN EDWARDS

Fee: 20.00

Ex-Officio Recorder Deputy

Index to: DEED, WARRANTY

GD10184C

WARRANTY DEED

THIS INDENTURE made by and between the DAN & IRMA MCFADDAN FAMILY LIMITED PARTNERSHIP, an Idaho limited partnership whose address is Rt. 1, Box 406, 17966 Highway 30 N., Hagerman, Idaho, hereinafter referred to as "Grantor," and the IDAHO STATE BUILDING AUTHORITY, P.O. Box 2802, Boise, Idaho 83701, hereinafter referred to as "Grantee";

WITNESSETH, that the Grantor does hereby convey and confirm in fee unto the said Grantee and its successors and assigns forever the premises situated in Gooding County, Idaho and more particularly described on Exhibit "A" annexed hereto and by this reference incorporated herein, together with all water rights, ditch rights, rights of way, improvements, fixtures, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining thereto, including but not limited to, the water rights identified on Exhibit "B" annexed hereto and by this reference incorporated herein.

TO HAVE AND TO HOLD the above-described premises and parcel of land and granted real property unto Grantor and its successors and assigns forever, subject only to the following:

1. Power line easement granted to Idaho Power Company, a corporation recorded June 14, 1934 in Book 3 of Miscellaneous, Page 546.
2. Water rights, ditch, flumes, and pipeline as disclosed in Warranty Deed recorded February 15, 1934 in Book 23 Deeds page 604, records of Gooding County, Idaho.
3. Power line easement granted to Idaho Power Company, a corporation recorded November 5, 1942 in Book 5 of Miscellaneous, Page 210 as Instrument No. 85341.
4. Easement for constructing and maintaining head and diversion works granted to Charles C. Cary recorded January 10, 1953 in Book 7 of Miscellaneous, Page 178 as Instrument No. 120155.
5. Easement for conveying water through a pipeline and maintenance thereof granted to K. Joo and Akio Joo & Ralph S. Bacon and Wanda Maxine Bacon recorded May 20, 1959 in Book 8 of Miscellaneous, Page 100 as Instrument No. 137751.
6. Power line easement granted to Idaho Power Company, a corporation recorded May 31, 1960 in Book 8 of Miscellaneous, Page 174 as Instrument No. 140977.
7. Easement in, to, upon and over all that certain road now in existence and which runs generally from the County road Easterly through the NW1/4NE1/4 to the NE1/4NE1/4 of Section 13, Township 7 South, Range 13, E.B.M. for ingress and egress to said NE1/4NE1/4, given to Bessie B. Abbott, a widow, and Ruth A. Letchworth, a widow, parties of the first

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-2169

part, to Virgil U. Norwood, party of the second part, recorded October 25, 1960 in Book 8 Page 197 as Instrument No. 141995, records of Gooding County, Idaho.

8. Covenants, conditions, restrictions and easements contained in deed to the State of Idaho recorded December 12, 1962 as Instrument No. 6402.
9. Easement for constructing and maintaining small ditches and irrigation facilities and the right of ingress and egress granted to the State of Idaho, recorded December 12, 1962 as Instrument No. 6403.
10. Agreement upon the terms, conditions and provisions contained therein for the purpose of upkeep and maintenance of an irrigation pipeline and sharing the water therefrom dated December 4, 1961 by and between McCarter Cattle Co., Inc., a corporation and Clyde McFarland recorded April 18, 1972 as Instrument No. 40070.
11. Power line easement granted to Idaho Power Company, a corporation recorded February 4, 1974 as Instrument No. 48666.
12. Power line easement granted to Idaho Power Company, a corporation recorded February 7, 1974 as Instrument No. 48668.
13. Power line easement granted to Idaho Power Company, a corporation recorded December 24, 1975 as Instrument No. 57498.

and that Grantor shall warrant and defend the premises from all other lawful claims whatsoever.

The Grantor further warrants to the Grantee that Grantor is lawfully seized of the above described real property in fee simple, that the same is free and clear of any and all encumbrances of every kind and description, except as herein specified, and that the Grantor has lawful right to convey the said real property.

[SIGNATURE PAGE FOLLOWS]

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-2169

DATED This 28th day of September 2001.

DAN & IRMA MCFADDAN FAMILY LIMITED PARTNERSHIP:

By: Daniel H. McFaddan By: Irma R. McFaddan
Daniel H. McFaddan, General Partner Irma R. McFaddan, General Partner

By: Daniel H. McFaddan By: Irma R. McFaddan
Daniel H. McFaddan, Limited Partner Irma R. McFaddan, Limited Partner

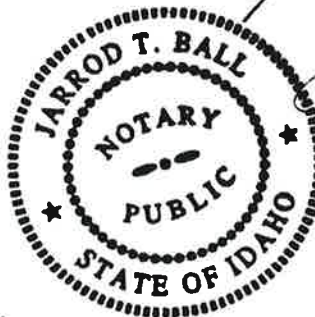
By: Mark D. McFaddan By: Linda Heinemann
Mark D. McFaddan, Limited Partner Linda Heinemann, Limited Partner

By: Matthew D. McFaddan
Matthew D. McFaddan, Limited Partner

STATE OF IDAHO)
) ss.
County of Trii Falls)

On this date before me, the undersigned notary public for such state, personally appeared IRMA R. MCFADDAN, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she is a General Partner of the Dan & Irma McFaddan Family Limited Partnership and that she executed the instrument on behalf of said partnership and that the Dan & Irma McFaddan Family Limited Partnership executed the same.

WITNESS my hand and seal on Sept. 28, 2001.



[Signature]
NOTARY PUBLIC
Residing at: Trii Falls
Commission expires: 7-25-2002

STATE OF IDAHO)
) ss.
County of Trii Falls)

On this date before me, the undersigned notary public for such state, personally appeared DANIEL H. MCFADDAN, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he is a General Partner of the Dan & Irma McFaddan Family Limited Partnership and that he executed the instrument on behalf of said partnership and that the Dan & Irma McFaddan Family Limited Partnership executed the same.

WITNESS my hand and seal on Sept. 28, 2001.

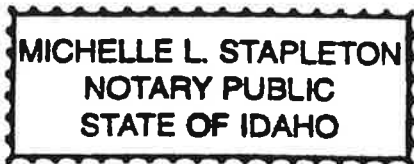


[Signature]
NOTARY PUBLIC
Residing at: Trii Falls
Commission expires: 7-25-2002

STATE OF IDAHO)
) ss.
County of Latah)

On this date before me, the undersigned notary public for such state, personally appeared **MARK D. MCFADDAN**, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he is a Limited Partner of the Dan & Irma McFaddan Family Limited Partnership and that he executed the instrument on behalf of said partnership and that the Dan & Irma McFaddan Family Limited Partnership executed the same.

WITNESS my hand and seal on 9-26, 2001.

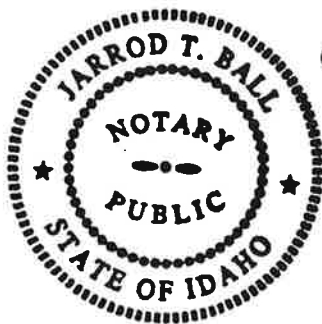


Michelle L Stapleton
NOTARY PUBLIC
Residing at: Moscow Id
Commission expires: 9-13-06

STATE OF IDAHO)
) ss.
County of Trin Falls)

On this date before me, the undersigned notary public for such state, personally appeared **MATTHEW D. MCFADDAN**, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he is a Limited Partner of the Dan & Irma McFaddan Family Limited Partnership and that he executed the instrument on behalf of said partnership and that the Dan & Irma McFaddan Family Limited Partnership executed the same.

WITNESS my hand and seal on Sept 28th, 2001.

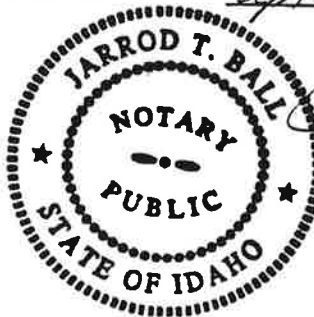


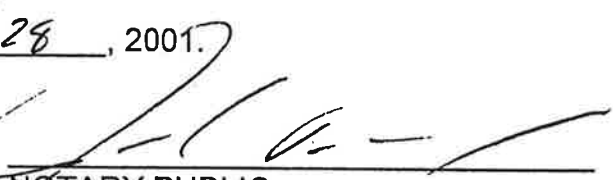
[Signature]
NOTARY PUBLIC
Residing at: Trin Falls
Commission expires: 7-25-2002

STATE OF IDAHO)
) ss.
County of Tri Falls)

On this date before me, the undersigned notary public for such state, personally appeared LINDA HEINEMANN, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she is a Limited Partner of the Dan & Irma McFaddan Family Limited Partnership and that she executed the instrument on behalf of said partnership and that the Dan & Irma McFaddan Family Limited Partnership executed the same.

WITNESS my hand and seal on Sept. 28, 2001.




NOTARY PUBLIC

Residing at: Tri Falls

Commission expires: 7-25-2002

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-2169

EXHIBIT A

Legal Description

See Attached.

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-2169

EXHIBIT A

EXHIBIT A

Legal Description

A Parcel of Land located in the East ½ of Section 11, Southwest ¼ of Section 12 and North ¼ of Section 13 Township 7 South, Range 13 East, Boise Meridian, Gooding County, Idaho.

Commencing at the Southwest corner of said Section 12 which is the REAL POINT OF BEGINNING.

Thence North 89°14'29" East, 1520.23 feet along the South boundary of Section 12.
Thence South 46°15'35" East, 3.91 feet
Thence South 46°15'41" East, 576.76 feet
Thence South 84°16'00" East, 461.26 feet
Thence North 74°25'01" East, 243.59 feet
Thence South 37°32'59" East, 232.96 feet
Thence South 06°07'30" East, 527.36 feet
Thence South 56°43'55" West, 73.70 feet along the North Right of Way of US Highway 30,
Thence South 48°25'08" West, 116.32 feet along the North Right of Way of US Highway 30,
Thence South 35°57'53" West, 70.72 along the North Right of Way of US Highway 30,
Thence South 00°11'03" East, 22.74 feet
Thence South 89°56'33" West, 2620.98 feet to the NW 1/16 corner of Section 13,
Thence North 00°54'24" West, 1317.16 feet along the West boundary of Section 13,
Thence North 89°47'37" East, 1268.48 feet along the South boundary of Section 11,
Thence North 01°00'29" West, 1774.21 feet along the East Right of Way Line of US Highway 30

Thence along a Curve C1

Δ 01°03'55"
Length 799.84
Radius 43021.85
Tangent 399.93
Chord 799.83
Chord Bearing North 01°32'26" West

Thence North 29°11'20" East, 67.77 feet
Thence North 22°43'35" East, 197.14 feet
Thence North 01°10'04" East, 157.89 feet
Thence North 22°00'10" East, 43.25 feet
Thence North 45°37'40" East, 52.80 feet
Thence North 84°27'35" East, 134.79 feet
Thence North 84°27'35" East, 111.05 feet
Thence North 00°26'59" West, 171.02 feet to the South edge
of a Road Right of Way.
Thence North 00°26'59" West, 50.00 feet
Thence North 89°33'00" East, 124.83 feet
Thence South 29°23'00" East, 57.13 feet to a point on the South edge
of a Road Right of Way.
Thence South 29°22'58" East, 386.58 feet
Thence South 22°52'56" East, 799.14 feet
Thence South 26°10'03" East, 519.95 feet
Thence South 23°24'52" East, 859.77 feet
Thence South 47°58'30" East, 482.48 feet

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-2169

Thence North 84°52'50" East, 233.99 feet
Thence South 46°15'35" East, 853.00 feet to the REAL POINT OF BEGINNING.
Said Parcel contains approximately 175.60 acres which excludes 0.16 acres of Right of Way in the East ½ of Section 11.

EXCEPTING THEREFROM the following parcel:

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho

Section 11: That part of the North one-half of the Northeast Quarter of the Southeast Quarter, lying West of the following described line:

BEGINNING at a point on the North boundary line of the South one-half of the Southeast Quarter of the Northeast Quarter from which point the Northeast corner of said South one-half of the Southeast Quarter of the Northeast Quarter bears North 89°33' East 734.0 feet;

Thence South 28°25' East 444.0 feet;

Thence South 21°55' East 800.00 feet;

Thence South 25°12' East 520.00 feet to a point on the Section line common to Section 11 and 12.

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-2169

EXHIBIT B

McFaddan Water Rights Description

Record No.	Source	Priority Date	Basis	Use
36-15532	Florence Livestock Spring	06/01/1969	Beneficial Use	Fish Propagation
36-15533	Florence Livestock Spring	04/01/1958	Beneficial Use	Commercial
36-15538	Spring	04/01/1964	Beneficial Use	Irrigation
36-00049	Florence Livestock Spring	04/01/1900	Decreed	Commercial, Domestic, Fish Propagation, Irrigation, Stockwater
36-00048A	Billingsley Creek	11/04/1885	Decreed	Irrigation
36-2169	Florence Livestock Spring	04/10/1952	License	Domestic, Irrigation

EXHIBIT B

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-2169

200'

Located In
 S3 SE4 & E2 SE4, Section 11,
 &
 SW4, Section 12,
 &
 N2 NW4 & W2 NW4 NE4, Section 13,
 T. 7 S., R. 18 E., B.M.
 Gooding County, Idaho
 2001

Legend:
 ADJUSTED BOUNDARY LINE
 LOS LINE/ PARCEL LINE TO BE ABANDONED
 FOUND 1/2" BEARING & CAP
 SET 1/2" & 24" BEARING & CAP

Table of Bearings and Distances:

LINE	BEARING	DISTANCE
1	N 89° 15' 00" E	1.0000
2	S 89° 15' 00" E	1.0000
3	S 89° 15' 00" E	1.0000
4	N 89° 15' 00" E	1.0000
5	S 89° 15' 00" E	1.0000
6	N 89° 15' 00" E	1.0000
7	S 89° 15' 00" E	1.0000
8	N 89° 15' 00" E	1.0000
9	S 89° 15' 00" E	1.0000
10	N 89° 15' 00" E	1.0000
11	S 89° 15' 00" E	1.0000
12	N 89° 15' 00" E	1.0000
13	S 89° 15' 00" E	1.0000
14	N 89° 15' 00" E	1.0000
15	S 89° 15' 00" E	1.0000
16	N 89° 15' 00" E	1.0000
17	S 89° 15' 00" E	1.0000
18	N 89° 15' 00" E	1.0000
19	S 89° 15' 00" E	1.0000
20	N 89° 15' 00" E	1.0000
21	S 89° 15' 00" E	1.0000
22	N 89° 15' 00" E	1.0000
23	S 89° 15' 00" E	1.0000
24	N 89° 15' 00" E	1.0000
25	S 89° 15' 00" E	1.0000
26	N 89° 15' 00" E	1.0000
27	S 89° 15' 00" E	1.0000
28	N 89° 15' 00" E	1.0000
29	S 89° 15' 00" E	1.0000
30	N 89° 15' 00" E	1.0000
31	S 89° 15' 00" E	1.0000
32	N 89° 15' 00" E	1.0000
33	S 89° 15' 00" E	1.0000
34	N 89° 15' 00" E	1.0000
35	S 89° 15' 00" E	1.0000
36	N 89° 15' 00" E	1.0000
37	S 89° 15' 00" E	1.0000
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40	N 89° 15' 00" E	1.0000
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42	N 89° 15' 00" E	1.0000
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47	S 89° 15' 00" E	1.0000
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51	S 89° 15' 00" E	1.0000
52	N 89° 15' 00" E	1.0000
53	S 89° 15' 00" E	1.0000
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57	S 89° 15' 00" E	1.0000
58	N 89° 15' 00" E	1.0000
59	S 89° 15' 00" E	1.0000
60	N 89° 15' 00" E	1.0000
61	S 89° 15' 00" E	1.0000
62	N 89° 15' 00" E	1.0000
63	S 89° 15' 00" E	1.0000
64	N 89° 15' 00" E	1.0000
65	S 89° 15' 00" E	1.0000
66	N 89° 15' 00" E	1.0000
67	S 89° 15' 00" E	1.0000
68	N 89° 15' 00" E	1.0000
69	S 89° 15' 00" E	1.0000
70	N 89° 15' 00" E	1.0000
71	S 89° 15' 00" E	1.0000
72	N 89° 15' 00" E	1.0000
73	S 89° 15' 00" E	1.0000
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75	S 89° 15' 00" E	1.0000
76	N 89° 15' 00" E	1.0000
77	S 89° 15' 00" E	1.0000
78	N 89° 15' 00" E	1.0000
79	S 89° 15' 00" E	1.0000
80	N 89° 15' 00" E	1.0000
81	S 89° 15' 00" E	1.0000

The Idaho State Building Authority

ALAN G. LANCE
Attorney General, State of Idaho

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

C. NICHOLAS KREMA
Deputy Attorney General
700 W. Jefferson St., Rm. 210
P.O. Box 83720
Boise, ID 83720-0010
Telephone: (208) 334-2400
Fax: (208) 334-2690
Idaho State Bar No. 3471

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR TWIN FALLS COUNTY

In Re: SRBA
Case No. 39576

)
)
) Subcase Nos. 36-00048A, 36-00049,
) 36-02169, 36-15532, 36-15533, 36-15538

)
) NOTICE OF APPEARANCE
)
)
)
)

Notice is hereby given, in the above-captioned subcases, that the following counsel will
appear for Applicant, the Idaho State Building Authority:

ALAN G. LANCE
Attorney General, State of Idaho

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

COPY

C. NICHOLAS KREMA
Deputy Attorney General
700 W. Jefferson St., Rm. 210
P.O. Box 83720
Boise, ID 83720-0010
Telephone: (208) 334-2400
Fax: (208) 334-2690
Idaho State Bar No. 3471

DATED this 19th day of October 2001.

ALAN G. LANCE
Attorney General, State of Idaho

By: CJ. Krema
C. NICHOLAS KREMA
Deputy Attorney General

36-48A, -49, -2169, -15532, -15533, -15538

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of October I caused to be served copies of the foregoing **NOTICE OF APPEARANCE** by the method indicated bellow to the following:

Patrick D. Brown
109 S. Adams Street
Jerome, ID 83338

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

John Marshall
Givens Pursley LLP
P.O. Box 2720
Boise, ID 73701-2720

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Nick Spencer
IDWR

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☒ Statehouse Mail

IDWR
Document Depository

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☒ Statehouse Mail

Josephine P. Beeman
Deborah E. Nelson
Beeman & Associates, P.C.
409 West Jefferson Street
Boise, ID 83702

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

US Department of Justice
Environment & Natural Res. Div.
550 West Fort Street, MSC 033
Boise, ID 83724

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

C. J. Krema
C. NICHOLAS KREMA

36-48A -49,2169, -15532, -15533, -15538

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase No.: 36-15533

STANDARD FORM 1
OBJECTION

RECEIVED
OCT 31 2000

Department of Water Resource
Southern Region



Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Dan and Irma McFaddan

Address: 17966 Hwy 30

Hagerman, ID 83332

Daytime Phone: (208) 837-4872

Name & Address of Attorney, if any:

Patrick D. Brown, P.C.

109 South Adams Street

Jerome, ID 83338 (644-1967)

**C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT
(Corrected Recommendation of 2-18-00)**

Name: Dan and Irma McFaddan

Address: 17966 Hwy 30

Hagerman, ID 83332

COPY

D. I OBJECT TO THE FOLLOWING ELEMENTS AS RECOMMENDED IN THE DIRECTOR'S REPORT. [PLEASE CHECK THE APPROPRIATE BOX(ES).]

1. ☐ Name and Address
Should be: _____
2. ☐ Source
Should be: _____
3. ☒ Quantity
Should be: 9.7 cfs combined diversion rate
4. ☐ Priority Date
Should be: _____
5. ☐ Point(s) of Diversion
Should be: _____
6. ☐ Instream Flow Description
Should be: _____
7. ☐ Purpose(s) of Use
Should be: _____
8. ☐ Period of Use
Should be: _____
9. ☐ Place of Use
Should be: _____

10. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): This is the combined amount

used since established, when that amount is available.

State of Idaho)
County of Jerome) ss

Patrick D. Brown, duly sworn upon oath, deposes and says:

That I am the party/claimant filing this Objection, as defined by I.C. §§ 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting and that I have read this Objection, know its contents, and believe that the statements are true to the best of my knowledge.

(Signature of person filing Objection)

Attorney signing in representative capacity)

SUBSCRIBED AND SWORN To before me on: September 25, 2000

Notary Public for: Idaho
Residing at: Twin Falls
My Commission Expires: 11-09-2004



INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the SRBA Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on September 27, 2000, I mailed the original and copies of this Objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

(via hand-delivery)

2. One copy to the Claimant of the water right at the following address:

Name: n/a

Address: _____

3. Copies to:

Peter J. Ampe
Office of the Attorney General
P. O. Box 44449
Boise, ID 83711-4449

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Idaho Dept. of Water Resources
Document Depository
P. O. Box 83720
Boise, ID 83701-0098

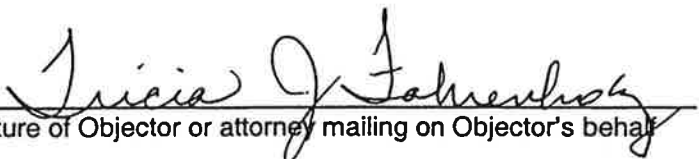
☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Nicholas Spencer
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83705
(208) 327-7866

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Michael C. Creamer
Givens Pursley
277 North 6th Street, Suite 200
P.O. Box 2720
Boise, ID 83701-2720

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)


(Signature of Objector or attorney mailing on Objector's behalf)

RECEIVED

OCT 20 2000

Department of Water Resources

RECEIVED

OCT 31 2000

Department of Water Resources
Southern Region

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase 36-15533

(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: North Snake Ground Water District

Address: 2092 East 3600 South
Wendell, ID 83355

Daytime Phone: 208-536-6553

Name & Address of Attorney, if any:

Josephine P. Beeman
Dana L. Hofstetter
Beeman & Hofstetter, P.C.
608 West Franklin Street
P. O. Box 1427
Boise, ID 83701-1427
208-388-8900
Fax - 208-388-8400

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING

Name: Dan and Irma McFadden

Address: 17966 Highway 30
Hagerman, ID 83332

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
2. ☐ Source
3. ☒ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use
11. **Recommendation**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **VERIFICATION** (Must be Completed)

State of Idaho)
) ss:
County of Ada)

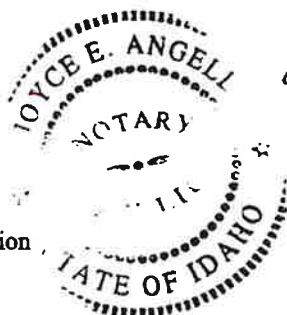
Dana L. Hofstetter duly sworn, upon oath, deposes and says:
(Name of person filing response)

That I am the party/claimant filing this response as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing response)

Dana Hofstetter
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: October 19, 2000



Joyce E. Angeli
Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 07-24-02

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F.

CERTIFICATE OF MAILING

I certify that on October 19, 2000, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, ID 83303-2707

(hand delivery)

2. One copy to the claimant of the water right at the following address:

Name: Dan and Irma McFadden
Address: 17966 Highway 30
Hagerman, ID 83332

3. One copy to the party who filed the objection at the following address:

Name: Patrick D. Brown (Certified Mail)
Address: 109 S. Adams Street
Jerome, ID 83338

4. Copies to:

IDWR Document Depository
P. O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General.
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Michael Creamer
Givens Pursley LLP
P. O. Box 2720
Boise, ID 83701-2720


Your signature or signature of attorney
mailing on your behalf

RECEIVED

OCT 20 2000

Department of Water Resources

RECEIVED

OCT 31 2000

Department of Water Resources
Southern Region

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase 36-15533

(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Faulkner Land & Livestock Company

Address: 1989 South 1875 East
Gooding, ID 83330

Daytime Phone: 208-934-4956

Name & Address of Attorney, if any:

Josephine P. Beeman
Dana L. Hofstetter
Beeman & Hofstetter, P.C.
608 West Franklin Street
P. O. Box 1427
Boise, ID 83701-1427
208-388-8900
Fax - 208-388-8400

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING

Name: Dan and Irma McFadden

Address: 17966 Highway 30
Hagerman, ID 83332

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

- 1. ☐ Name and Address
- 2. ☐ Source
- 3. ☒ Quantity
- 4. ☐ Priority Date
- 5. ☐ Point(s) of Diversion
- 6. ☐ Instream Flow Description
- 7. ☐ Purpose(s) of Use
- 8. ☐ Period of Year
- 9. ☐ Place of Use

11. Recommendation

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho)
) ss:
County of Ada)

Dana L. Hofstetter, duly sworn, upon oath, deposes and says:

(Name of person filing response)

That I am the party/claimant filing this response as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing response)

Dana L. Hofstetter
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: October 19, 2000



Joyce E. Angell
Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 07-24-02

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F.

CERTIFICATE OF MAILING

I certify that on October 19, 2000, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, ID 83303-2707

(hand delivery)

2. One copy to the claimant of the water right at the following address:

Name: Dan and Irma McFadden
Address: 17966 Highway 30
Hagerman, ID 83332

3. One copy to the party who filed the objection at the following address:

Name: Patrick D. Brown (Certified Mail)
Address: 109 S. Adams Street
Jerome, ID 83338

4. Copies to:

IDWR Document Depository
P. O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General.
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Michael Creamer
Givens Pursley LLP
P. O. Box 2720
Boise, ID 83701-2720



Your signature or signature of attorney
mailing on your behalf

Dan & Irma McFaddan

PATRICK D. BROWN, P.C.

Law Offices

109 South Adams

Jerome, ID 83338

Telephone: (208) 644-1967

Facsimile: (208) 633-1970

ISB #4413

RECEIVED

OCT 31 2000

Department of Water Resources
Butte Falls

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

A. Subcase 36-15533

Case No. 39576

STANDARD FORM 2

RESPONSE TO OBJECTION

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Dan and Irma McFaddan

Address: 17966 Hwy 30
Hagerman, ID 83332

Phone: (208) 837-4872

Name & Address of attorney, if any:

Patrick D. Brown
Patrick D. Brown, P.C.
109 S. Adams St.
Jerome, Idaho 83338
ph: (208) 644-1967
fax: (208) 644-1970

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION(S) TO,
WHICH YOU ARE RESPONDING:

Name: Faulkner Land & Livestock Co.

Address: 1989 South 1875 East
Gooding, ID 83330

Phone (day) (208) 934-4956

Name & Address of attorney, if any:

Josephine P. Beeman
Dana L. Hofstetter
Beeman & Hofstetter, P.C.
688 West Franklin Street
P.O. Box 1427
Boise, ID 83701-1427
Ph. (208) 388-8900
Fx. (208) 388-8400

D. I AM RESPONDING TO THE OBJECTIONS TO THE FOLLOWING ELEMENTS. (PLEASE CHECK THE APPROPRIATE BOX(ES)).

1. ☐ Name and Address
2. ☐ Source
3. ☒ Quantity Should be combined diversion rate of 9.7 cfs.
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use
11. **Recommendation**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

Comments: This 9.7 cfs is the amount used since established, when that amount is available..

E. VERIFICATION (Must be Completed)

STATE OF IDAHO)
) ss.
County of Jerome)

PATRICK D. BROWN, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this response, as defined by I.C. 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 10-17-00



Patricia J. Fahrenholz
Notary Public for

Residing at: Twin Falls

My Commission Expires: 11-09-2004

INSTRUCTIONS FOR MAILING

You must mail the response to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on October 17, 2000, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Dan and Irma McFaddan
Address: 17966 Hwy 30
Hagerman, ID 83332

3. One copy to the party who filed the objection at the following address:

Name: Faulkner Land & Livestock Co.
Address: 1989 South 1875 East
Gooding, ID 83330

4. Copies to:

United States Department of Justice
Environment and Natural Resource Div.
5550 West Fort Street, MSC 033
Boise, ID 83724

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Peter J. Ampe
Office of the Attorney General
P. O. Box 44449
Boise, ID 83711-4449

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Idaho Dept. of Water Resources
Document Depository
P. O. Box 83720
Boise, ID 83701-0098

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Nicholas Spencer
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83705
(208) 327-7866

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Michael C. Creamer
Givens Pursley
277 North 6th Street, Suite 200
P.O. Box 2720
Boise, ID 83701-2720

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Josephine Dana Hofstetter
Beeman & Hofstetter
608 W. Franklin St.
P. O. Box 1427
Boise, ID 83701-1427

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)



Signature of person mailing document

ISB #4413

Department of Water Resources
Southern Div.

STANDARD FORM 2

RESPONSE TO OBJECTION

SF.2 - Response to Objection
Amended 10/16/97 -1-

D. I AM RESPONDING TO THE OBJECTIONS TO THE FOLLOWING ELEMENTS.
(PLEASE CHECK THE APPROPRIATE BOX(ES)).

1. ☐ Name and Address
2. ☐ Source
3. ☒ Quantity Should be a combined diversion rate of 9.7 cfs.
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use
11. Recommendation
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

Comments: This 9.7 cfs is the amount used since established, when that amount is available.

E. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Terrebonne)

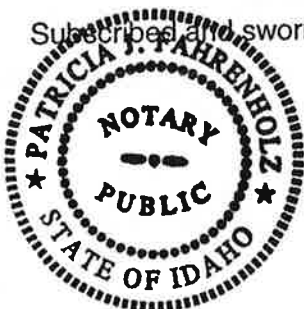
PATRICK D. BROWN, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this response, as defined by I.C. 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 10-17-00
Patricia J. Fahrenholz
Notary Public for Idaho
Residing at: Twin Falls
My Commission Expires: 11-09-04



INSTRUCTIONS FOR MAILING

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F. CERTIFICATE OF MAILING

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1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Dan and Irma McFaddan
Address: 17966 Hwy 30
Hagerman, ID 83332

3. One copy to the party who filed the objection at the following address:

Name: Cranney Bros.
Address: 503 West 1300 South
Oakley, ID 83346

4. Copies to:

United States Department of Justice
Environment and Natural Resource Division
5550 West Fort Street, MSC 033
Boise, ID 83724

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Peter J. Ampe
Office of the Attorney General
P. O. Box 44449
Boise, ID 83711-4449

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☐ Overnight Mail
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Idaho Dept. of Water Resources
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Givens Pursley
277 North 6th Street, Suite 200
P.O. Box 2720
Boise, ID 83701-2720

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Josephine Dana Hofstetter
Beeman & Hofstetter
608 W. Franklin St.
P. O. Box 1427
Boise, ID 83701-1427

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)



Signature of person mailing.

NOV 26 2001

NOV 15 2001

Department of Water Resources
Southern Region

CERTIFICATE OF MAILING

I certify that on November 8, 2001, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☐ regular mail
☒ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

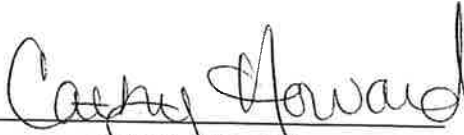
3. Copies to all parties to the subcase:

Idaho State Building Authority
P.O. Box 2802
Boise, ID 83701

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Aqua Life, Inc.
Rt. 5, Box 5053
Buhl, ID 83316

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile


Signature of person mailing this document

CERTIFICATE OF MAILING

I certify that on November 8, 2001, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
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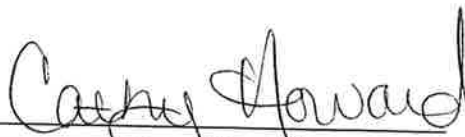
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☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile


Signature of person mailing this document

11/08/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 36-2414

NAME AND ADDRESS: IDAHO STATE BUILDING AUTHORITY
PO BOX 2802
BOISE ID 83701

SOURCE: UNNAMED STREAM

TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 4.000 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-02338 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 58.68 CFS.^^^

PRIORITY DATE: 12/21/1959

POINT OF
DIVERSION:

T07S R14E S18 SESWSW Lot 4 Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
FISH PROPAGATION

PERIOD OF USE
1/01 12/31

QUANTITY
4.000 CFS

PLACE OF USE:

FISH PROPAGATION Within GOODING County
T07S R14E S18 Lot 4 SWSW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

EXPLANATORY MATERIAL: BASIS OF CLAIM - License
FACILITY VOLUME 381,656 CUBIC FEET.

11/08/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 36-2734

NAME AND ADDRESS: IDAHO STATE BUILDING AUTHORITY
PO BOX 2802
BOISE ID 83701

SOURCE: BILLINGSLEY CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 100.000 CFS

PRIORITY DATE: 10/05/1965

POINT OF
DIVERSION:

T07S R14E S19 NENWNW Lot 1 Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

FISH PROPAGATION

1/01 12/31

100.000 CFS

PLACE OF USE: FISH PROPAGATION Within GOODING County

T07S R14E S18 Lot 4 SWSW

T07S R14E S19 Lot 1 NWNW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

FACILITY VOLUME 301,000 CUBIC FEET.

11/08/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 36-4011

NAME AND ADDRESS: IDAHO STATE BUILDING AUTHORITY
PO BOX 2802
BOISE ID 83701

SOURCE: BILLINGSLEY CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 12.000 CFS

PRIORITY DATE: 12/01/1965

POINT OF
DIVERSION:

T07S R14E S19 NENWNW Lot 1 Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
FISH PROPAGATION

PERIOD OF USE
1/01 12/31

QUANTITY
12.000 CFS

PLACE OF USE: FISH PROPAGATION Within GOODING County

T07S R14E S18 Lot 4 SWSW

T07S R14E S19 Lot 1 NWNW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
FACILITY VOLUME 301,000 CUBIC FEET.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 36-15476
Date Received: 1/20/1995
Receipt No: C032016
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

IDAHO STATE BUILDING AUTHORITY Phone: (208)345-6057

PO BOX 2802
BOISE ID USA 83701

2. Date of Priority: 06/01/1954

3. Source: SPRING Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	14E	18	SW SW 4	GOODING	

5. Description of diverting works:

SPRING FLOWS INTO LAKE, 2-3 ACRES IN AREA, UP TO 12 FT DEEP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
WILDLIFE	1/01	12/31	1	36
RECREATION	1/01	12/31	1	36
AESTHETIC	1/01	12/31	1	36

7. Total Quantity Appropriated is:
1 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	14E	18	SW	SW	4	WILDLIFE
			SW	SW	4	AESTHETIC
			SW	SW	4	RECREATION

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

4/25/96 TF; OWNERSHIP CHANGE MADE PER SF3 REC'D 3/20/96

15. Basis of Claim: Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - R36-15533

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

MC FADDAN

DAN H

1 - 17966 N HWY 30

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-6649

MC FADDAN

IRMA R

1 - 17966 N HWY 30

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-6649

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
04/01/1958 17 SOUTHERN J - BENEFICIAL USE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
FLORENCE LIVESTOCK SPRING BILLINGSLEY CREEK

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County

07S 13E 12 SE SE NW (47) GOODING

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
10 - COMMERCIAL 01/01 12/31 0.060

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.060 0.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
07S 13E 11 SE SE 10 COMMERCIAL (47) GOODING

Total Acres:

+ - - Diversion Means - HAND DUG TUNNEL, CONCRETE HEAD WORKS, 20" PIPE, 16" PIPE

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +

QNT USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 8.18 CFS. COMBINED RIGHT NOS.:
36-00048A, 36-00049, 36-15532 & 36-15538.

EXP COMMERCIAL USE WAS ORIGINALLY CLAIMED UNDER 36-00049.

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water right number - R36-15533

Prefix Translation: RESEARCH

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +
3600049

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - - +
12/21/99 SCLELLAN

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 03/26/1999	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 12/21/1999	Old Judicial District	-
Claim Received Date	- 06/24/1999	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- C045833	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Subcase A36 - 15533

(Insert water right number)

Case 39576

STANDARD FORM 4

MOTION TO FILE:

☐ **LATE NOTICE OF CLAIM**

☐ **AMENDED NOTICE OF CLAIM**

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☐ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is Dan McFadden

My address is 17966 N. Hwy 30
Hagerman, Idaho 83332

My phone number is: Work 837-4872 Home 837-6649

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

This claim was included in a consolidated
claim and is being separated out under a separate
claim.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

- ☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 184.00.
(for 2 claims)

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____

(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Gooding

Dan McFadden, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Dan McFadden
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 3/30/99
(Insert Date)

John Allen
Notary Public for State of Idaho
Residing at: Twin Falls ID
My Commission expires: 12/7/2000

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on _____, 199 __, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert names/addresses of parties)

Signature of person or attorney mailing the form

BILLINGSLEY CREEK

NORTH

FLORENCE LIVESTOCK SPRING

22-141 50 SHEETS
22-142 100 SHEETS
22-144 200 SHEETS



Math Mc.
Carey

Hiway 30

gravity ditch system
FISH POND

OPEN DITCH

FISH POND

OPEN DITCH

other users

FLOWMETER

16" P.I.P.

8" MAINLINES

25 HP pump

DAN McFADDAN

PIPELINE SYSTEM

PER EXAM
3/25/99

Steve Clelland - IDWR

POU BORDERS

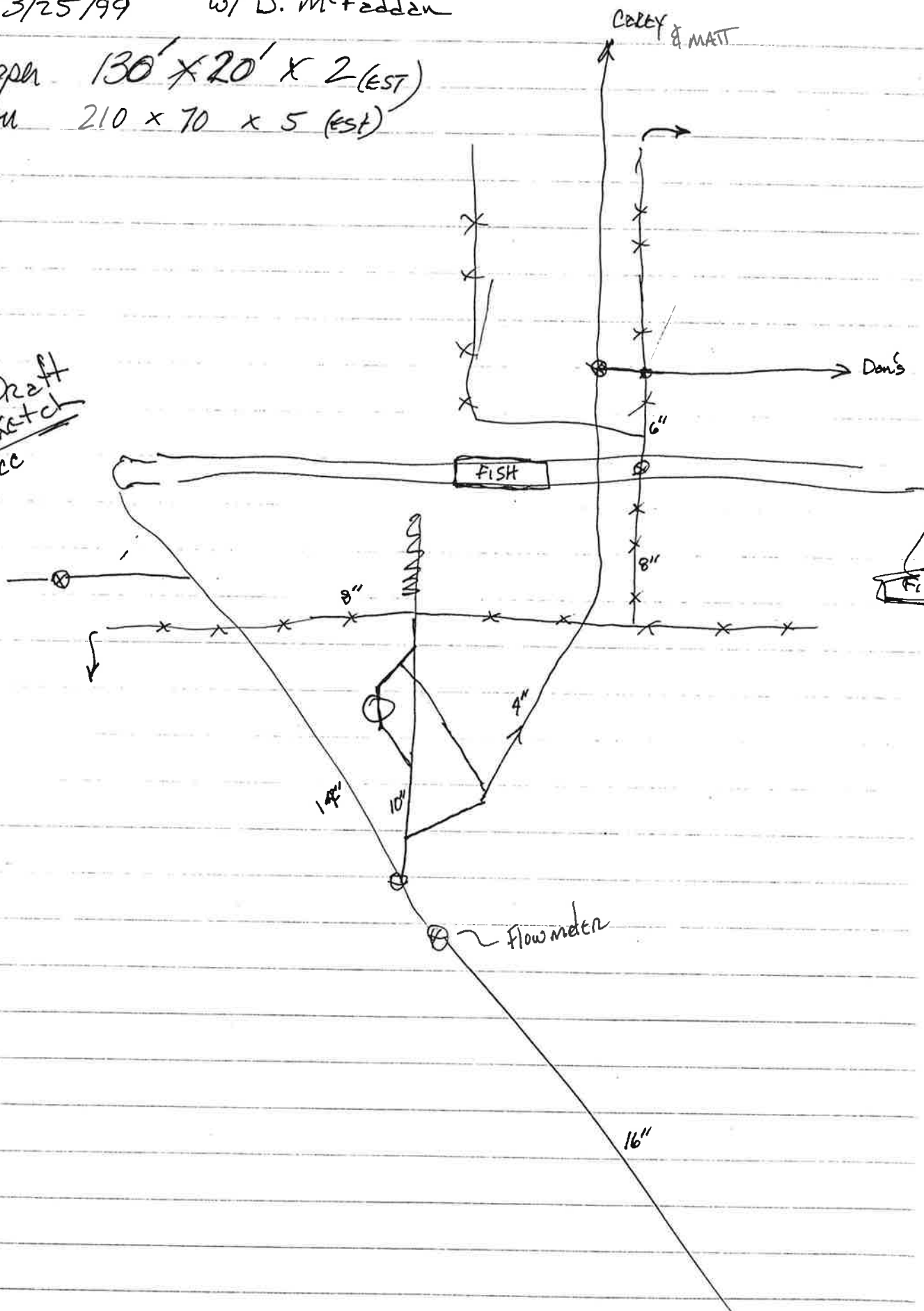
3/25/99

w/D. McFadden

upper 130' x 20' x 2 (EST)

lower $210 \times 70 \times 5$ (est)

Draft
Sketch
see



2/26/99 Discussion w/ DMC

3/29/99 " " "

(Continued to discuss situation)

- decree irrig. = 7.70 cfs. Sale is final!
- BU claimed post 1963? I say based on Sprinkler
no use found!
- file additional claims for N-I uses:
 - fish 6.0 cfs
 - Comm. .06 cfs

Affidavit from Ken Ellis? (for fish priority)

Correlate - Curran records w/ FLS flows
(alt. = 3200') (alt. = 3100')

flow records @ IDWR

- 8.6 cfs in FLS pipe when installed in 1986
- meas. 6 cfs on 3/25/99

3/30/99
3:45 PM

Toni Hronec

for amendments

Docket sheet notice

48A 1.1 178.5 ac

49 6.66
7.77 cfs

1 1/2" / ac.
Est. Sprinkler
Rate: 5.35 cfs

SF4

15532- (1967) N.C. FISH ~~6.6~~ 9.0
15533 (1958) N.C. Comm. 0.06 cfs

Bu. irrig. $\emptyset$

Correlation w/ curran?
Std. analysis?
turnover times?
effect of Dead?

* Remarks?

1.3" per acre
1.4" per acre

Brian Miller
Dr. Allen

* Need copies of Studies!

Water Sale split: 1963

7 of 10 (36-00048) Bill. Cr.
4.6 of 9.7 (36-00049) FLS

McFallan balance	Diverted Flow
3.0 cfs	1.11
5.1	6.0
8.1	

(How did we get the 7.7 cfs?)

48A →
48B .06
48C .03 } Billingsley Cr.

Dan & Irma McFaddan

PATRICK D. BROWN, P.C.

Law Offices

109 South Adams

Jerome, ID 83338

Telephone: (208) 644-1967

Facsimile: (208) 633-1970

ISB #4413

RECEIVED

OCT 31 2000

Department of Water Resources
Southern Division

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	A. Subcase 36-15533
	)	
Case No. 39576	)	STANDARD FORM 2
	)	RESPONSE TO OBJECTION
	)	
	)	

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Dan and Irma McFaddan

Address: 17966 Hwy 30

Hagerman, ID 83332

Phone: (208) 837-4872

Name & Address of attorney, if any:

Patrick D. Brown

Patrick D. Brown, P.C.

109 S. Adams St.

Jerome, Idaho 83338

ph: (208) 644-1967

fax: (208) 644-1970

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION(S) TO,
WHICH YOU ARE RESPONDING:**

Name: North Snake River Ground Water District

Address: 2092 East 3600 South

Wendell, ID 83355

Phone (day) (208) 536-6555

Name & Address of attorney, if any:

Josephine P. Beeman

Dana L. Hofstetter

Beeman & Hofstetter, P.C.

688 West Franklin Street

P.O. Box 1427

Boise, ID 83701-1427

Ph. (208) 388-8900

Fx. (208) 388-8400

D. I AM RESPONDING TO THE OBJECTIONS TO THE FOLLOWING ELEMENTS. (PLEASE CHECK THE APPROPRIATE BOX(ES)).

1. ☐ Name and Address
2. ☐ Source
3. ☒ **Quantity Should be combined diversion rate of 9.7 cfs.**
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use
11. **Recommendation**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

Comments: This 9.7 cfs is the amount used since established, when that amount is available.

E. VERIFICATION (Must be Completed)

STATE OF IDAHO)
) ss.
County of Jerome)

PATRICK D. BROWN, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this response, as defined by I.C. 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 10-17-08



Notary Public for Idaho
Residing at: Twin Falls
My Commission Expires: 11-09-04

INSTRUCTIONS FOR MAILING

You must mail the response to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on October 17, 2000, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Dan and Irma McFaddan
Address: 17966 Hwy 30
Hagerman, ID 83332

3. One copy to the party who filed the objection at the following address:

Name: North Snake River Ground Water District
Address: 2092 East 3600 South
Wendell, ID 83355

4. Copies to:

United States Department of Justice
Environment and Natural Resource Div.
5550 West Fort Street, MSC 033
Boise, ID 83724

Peter J. Ampe
Office of the Attorney General
P. O. Box 44449
Boise, ID 83711-4449

☒ U.S. Mail
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Idaho Dept. of Water Resources
Document Depository
P. O. Box 83720
Boise, ID 83701-0098

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Nicholas Spencer
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83705
(208) 327-7866

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Michael C. Creamer
Giyens Pursley
277 North 6th Street, Suite 200
P.O. Box 2720
Boise, ID 83701-2720

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Josephine Dana Hofstetter
Beeman & Hofstetter
608 W. Franklin St.
P. O. Box 1427
Boise, ID 83701-1427

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)



Signature of person mailing document

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase No.: 36-15533

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Dan and Irma McFaddan

Address: 17966 Hwy 30

Hagerman, ID 83332

Daytime Phone: (208) 837-4872

Name & Address of Attorney, if any:

Patrick D. Brown, P.C.

109 South Adams Street

Jerome, ID 83338 (644-1967)

**C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT
(Corrected Recommendation of 2-18-00)**

Name: Dan and Irma McFaddan

Address: 17966 Hwy 30

Hagerman, ID 83332

D. I OBJECT TO THE FOLLOWING ELEMENTS AS RECOMMENDED IN THE DIRECTOR'S REPORT. [PLEASE CHECK THE APPROPRIATE BOX(ES).]

1. ☐ Name and Address
Should be: _____
2. ☐ Source
Should be: _____
3. ☒ Quantity
Should be: 9.7 cfs combined diversion rate
4. ☐ Priority Date
Should be: _____
5. ☐ Point(s) of Diversion
Should be: _____
6. ☐ Instream Flow Description
Should be: _____
7. ☐ Purpose(s) of Use
Should be: _____
8. ☐ Period of Use
Should be: _____
9. ☐ Place of Use
Should be: _____

10. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): This is the combined amount
used since established, when that amount is available.

State of Idaho)
County of Jerome) ss

That I am the party/claimant filing this Objection, as defined by I.C. §§ 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting and that I have read this Objection, know its contents, and believe that the statements are true to the best of my knowledge.

Attorney signing in representative capacity)

September 25, 2000

My Commission Expires: 11-09-2004



INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the SRBA Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on September 22, 2000, I mailed the original and copies of this Objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

(via hand-delivery)

2. One copy to the Claimant of the water right at the following address:

Name: n/a

Address: _____

3. Copies to:

Peter J. Ampe
Office of the Attorney General
P. O. Box 44449
Boise, ID 83711-4449

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Idaho Dept. of Water Resources
Document Depository
P. O. Box 83720
Boise, ID 83701-0098

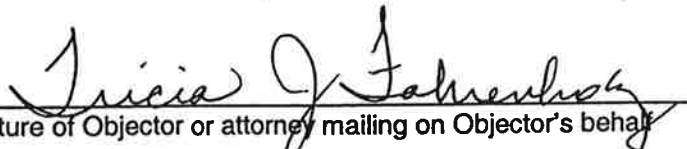
☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Nicholas Spencer
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83705
(208) 327-7866

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Michael C. Creamer
Givens Pursley
277 North 6th Street, Suite 200
P.O. Box 2720
Boise, ID 83701-2720

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)


(Signature of Objector or attorney mailing on Objector's behalf)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase 36-15533
(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Cranney Bros.

Address: 503 West 1300 South

Oakley, Idaho 83346

Daytime Phone: 208-862-3346

Name & Address of Attorney, if any:

Michael C. Creamer

Givens Pursley, LLP

P. O. Box 2720, Boise, Idaho 83701

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Dan H. and Irma R. McFaddan

Address: 17966 N. Highway 30

Hagerman, Idaho 83332

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: See below.
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): Total diversion rate under this right, when combined with rights 36-00048A, 36-00049, 36-15538, and 36-15532 should be less than 8.18 cfs.

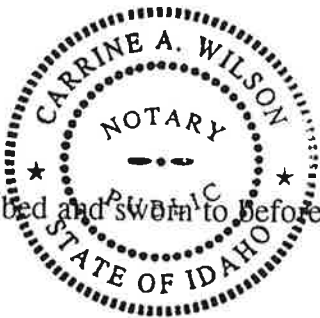
F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Michael C. Creamer, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



Subscribed and sworn to before me on:

(Signature of person filing objection)

Michael C. Creamer

(Attorney signing in representative capacity)

Sept. 28, 2000

Carrine A. Wilson
Notary Public for Idaho

Residing at: Boise, Idaho

My Commission Expires: 11/27/03

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on Sept 28, 2000, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Dan H. and Irma R. McFadden
Address: 17966 N. Highway 30
Hagerman, Idaho 83332

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

SEP 29 2000

RECEIVED

OCT 31 2000

Department of Water Resources
Southern Region

A. Subcase 36-15533

STANDARD FORM 1 OBJECTION

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: Combined diversion rate should be less than 8.18 cfs
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): The combined quantity is in excess of amount actually beneficially used and the amount necessary.

F.

VERIFICATION (Must be Completed)

State of Idaho

)

)ss.

County of Ada

)

Dana L. Hofstetter, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(i) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Dana Hofstetter

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: September 28, 2000



Joyce E. Angell
Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 07-24-02

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on September 28, 2000 , I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Dan and Irma McFadden
Route 1, Box 406
Hagerman, ID 83332

Patrick D. Brown
109 S. Adams Street
Jerome, ID 83338

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

SEP 29 2000

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA) A. Subcase 36-15533
) (Insert water right number)
 Case No. 39576)
)
) **STANDARD FORM 1**
) **OBJECTION**
)

B. NAME AND ADDRESS OF PERSON OBJECTING

Name & Address of Attorney, if any:

Josephine P. Beeman
Dana L. Hofstetter
Beeman & Hofstetter, P.C.
608 West Franklin Street
P. O. Box 1427
Boise, Idaho 83701-1427
(208) 388-8900
FAX - (208) 388-8400

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Dan H. McFadden
Irma R. McFadden,
Address: 17966 N. Hwy 30
Hagerman, ID 83332

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: Combined diversion rate should be less than 8.18 cfs
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Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

11. **I object because:**

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- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): The combined quantity is in excess of amount actually beneficially used and the amount necessary.

F.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

Dana L. Hofstetter, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(i) and (6)
or that I am the attorney for the party/claimant objecting and that I have read this objection, know
its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Dana L. Hofstetter

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: September 28, 2000



Joyce E. Angeli

Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 07-24-02

INSTRUCTIONS FOR MAILING

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2. One copy to the claimant of the water right at the following address:

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Hagerman, ID 83332

Patrick D. Brown
109 S. Adams Street
Jerome, ID 83338

3. Copies to:

IDWR Document Depository
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Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf